IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 25177 of 2004

Between:

M.A. Gaffar, S/o. M.A. Haneef,
R/o. 10-4-13/4, Near St. Theresa's High School,
Humayan Nagar, Masab Tank, Hyderabad.

..... PETITIONER

AND

Government of Andhra Pradesh, Rep. by its Secretary,
Municipal Administration & Urban Development (TC.2) Department,
Secretariat Buildings, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in issuing the impugned G.O.Ms.No.539 dt.20-12-2004, canceling the G.O.Rt.No.228 MA, dt.19-3-2001 issued in favour of the petitioner herein entrusting the work of supplying and fixing of Aluminum number plates to the houses kin Municipalities/Municipal Corporations in the State of Andhra Pradesh as being illegal, arbitrary, unconstitutional apart from being contrary to public interest and consequently direct the respondent to entrust the work of supplying and fixing of Aluminum number plates to the houses in Municipalities/Municipal corporation in the State of Andhra Pradesh, in accordance with G.O.Rt.No.228 MA, dt. 19-3-2001.

Counsel for the Petitioner:MR.T.SRIKANTH REDDY

Counsel for the Respondent No.: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following:

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THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.25177 of 2004

ORDER:

At the request of the petitioner Government issued G.O.Rt.No.228, Municipal Administration and Urban Development (TC 1) Department, dated 19-03-2001 authorising the Municipalities/Municipal Corporations to utilize the services of the petitioner, whenever necessary, for supplying house number plates of 10" x 3" size at the rate of Rs.20/-. When P. Raja Rao made a similar representation to the Government, expressing his willingness to take up the work relating to supply of alluminium house number plates of 10" x 3" size at the rate of 18/-, Government issued another G.O.Rt.No.279, Municipal Administration and Urban Development (TC.2) Department, dated 22-05-2003 permitting the Municipalities/Municipal Corporations to utilize the services of the said P.Raja Rao for fixing house number plates, with a direction to the Director of Municipal Administration to fix the limits of the Municipalities in whose jurisdiction petitioner and the P.Raja Rao can make the supply. Challenging G.O.Rt.No.279, dated 22-05-2003 petitioner filed W.P.No.10445 of 2003. While admitting the said writ petition on 16-06-2003, a direction to maintain status quo as on the date was given. Thereafter, Government issued G.O.Rt.No.1407, Municipal Administration and Urban Development (TC.I) Department, dated 29-10-2003 suspending G.O.Rt.No.228 as well as G.O.Rt.No.279 under which the petitioner and P.Raja Rao were conferred
the privilege of supplying house number plates.

(2) When the said G.O.Rt.No.1047 was challenged by the petitioner in W.P.No.23550 of 2003, a learned single Judge of this Court observing:

"……. be that as it is, the G.O.Rt.No.228 dated

> 19-03-2001 enabled and permitted all the Municipalities and Municipal Corporations to engage the services of the petitioner herein wherever necessary for fixing the House number plates in the Municipalities and corporations. Presumably, the said privilege was conferred on the petitioner, having regard to the experience of the petitioner in doing similar job for more than four decades, at the rate of Rs.20/- per each number plate was fixed as Ananthapur Municipality was paying the said amount to the petitioner. This only indicates that the petitioner herein has a legitimate expectation flowing from G.O.Rt.No.228, in that, he was assured of the job of fixing number plates in all the Municipalities and Municipal Corporations. This legitimate expectation is denied to the petitioner without following the principles of natural justice. It is no doubt that the policy as such may deny a legitimate expectation without notice, but, as seen from the counter affidavit, a portion of which is extracted, the government has not yet formulated any policy in this regard. Therefore, pending the formulation of such policy as projected in the counter affidavit, the petitioner cannot be denied the privilege without prior notice."

set aside the G.O.Rt.No.1407, dated 29-10-2003 insofar as it suspends G.O.Rt.No.228, dated 19-03-2001 and directed the respondent to take appropriate action, keeping in view the observations.

(3) After passing the said order, a show cause notice dated

14-10-2004 was issued to the petitioner asking him to explain why the orders issued in G.O.Ms.No.228, dated 19-03-2001 in his favour should not be cancelled. Petitioner sent his reply. After considering the reply of the petitioner, first respondent issued G.O.Ms.No.539, dated 20-12-2004 cancelling G.O.Rt.No.228, dated 19-03-2001. Questioning the said cancellation, petitioner filed this petition.

(4) The contention of Sri Prathap Reddy, learned senior counsel for the petitioner is that a reading of the show cause notice and the impugned G.O. shows that they are only empty formalities just to comply with the direction given by the court, and in fact, the direction given by the Court is not properly understood by the respondents. It is his contention that since there is nothing on record to show that a policy decision was taken by the Government, the impugned G.O. is liable to be set aside.

(5) The contention of the learned Government Pleader is that since the earlier G.O. was issued merely basing on the representation of the petitioner and since the Government wants to have the transparent policy, G.O. issued in favour of the petitioner is cancelled, and since the directions given in W.P.No.23550 of 2003 are complied with, there are no grounds to set aside the impugned G.O.

(6) Though there is nothing on record to show that the Government has formulated a policy with regard to the issue relating to house number plates, since the learned Judge while disposing of the earlier writ petition observed as “therefore, pending the formulation of such policy as projected in the counter affidavit, the petitioner cannot be denied the privilege with prior notice.”, it is clear an option to cancel the earlier G.O. issued in favour of the petitioner was given to the respondents after giving a show cause notice. Since the grievance of the petitioner in the earlier writ petition was that he was not given an opportunity of being heard, when he is given due opportunity of being heard, he cannot have a grievance. If a policy decision is taken, even without issuing show cause notice, the G.O. passed in favour of the petitioner can be cancelled, as well in the above extracted order in the earlier writ petition filed by the petitioner.

(7) Since the petitioner earlier, was granted the privilege, without following the procedure of inviting applications from others, and since the court directed the respondent to give an opportunity of being heard the petitioner, a notice was issued. The only requirement of giving an opportunity of being heard the petitioner was followed. Therefore, I find no grounds to set aside the G.O. in question.

Hence, the writ petition is dismissed. No order as to costs.

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(C.Y.SOMAYAJULU, J)

Dated: 29-04-2005

YCR

To

1. The Secretary, Government of Andhra Pradesh,
Municipal Administration & Urban Development (TC.2) Department,

Secretariat Buildings, Hyderabad.

2. 2 CCs to G.P. for Municipal Administration and Urban Development,

High court Buildings, Hyderabad. (OUT)

3. 2 C.D. copies.